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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOE A. MUSANTE, JR.,

11 Plaintiff,

CIV S-04-2209 GGH

12 vs.

13 JO ANNE B. BARNHART,  
14 Commissioner of Social Security,

ORDER

15 Defendant.  
16 \_\_\_\_\_/

17 Presently before the court is the Commissioner's motion to alter or amend the  
18 judgment pursuant to Fed. R. Civ. P. 59(e). Having reviewed the motion and plaintiff's  
19 opposition, the court now determines for the reasons stated in plaintiff's opposition and Social  
20 Security Ruling 83-10, that the Commissioner's December 29, 2005 motion is DENIED.

21 IT IS SO ORDERED.

22 DATED: 1/30/06

23 /s/ Gregory G. Hollows

24 UNITED STATES MAGISTRATE JUDGE

25 GGH:076/musante.59e.wpd  
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